

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 91 OF 2004

**The Local Government Act  
(Laws, Volume 16, Cap. 281)**

**The Lusaka City Council (Municipal Solid Waste Management)  
By-laws, 2004**

IN EXERCISE of the powers contained in sections *seventy-six* and *seventy-nine* of the Local Government Act, the following By-laws are hereby made:

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|---|----------------|
| 1. These By-laws may be cited as the Lusaka City Council (Municipal Solid Waste Management) By-laws, 2004.  | Title          |
| 2. In these By-laws, unless the context otherwise requires—   | Interpretation |
| “Council” means the Lusaka City Council;  |                |
| “Environmental Council of Zambia” means the Environmental Council of Zambia established under the environmental protection and pollution Control Act;                                 |                |
| “hazardous waste” means waste which is explosive, oxidising, flammable, irritating, harmful, toxic carcinogenic, corrosive, infectious, teratogenic, mutagenic or ecotoxic in nature; | Cap. 204       |
| “municipal solid waste” means solid waste generated by human activity in an urban environment but does not include hazardous waste;   |                |
| “pay point” means any place within the Council area designated by the Council for the payment of a solid waste management fee;  |                |
| “solid waste” means any waste substance that is not fluid;  |                |
| “tender” shall have the meaning assigned to it by the Zambia National Tender Board Act;   | Cap. 394       |
| “waste” means any substance or object that the owner or user discards or is obliged to discard;   |                |
| “waste disposal” means the depositing of waste above or under the ground with the aim of permanent storage;   |                |
| “waste disposal facility” means an area of land designated by the Council for the disposal of solid waste;  |                |
| “waste management” includes solid waste collection, transportation, sorting, recycling, treatment, composting, energy recovery, incineration and disposal;                            |                |

“waste Management District” means an area so zoned by the Council for the purposes of waste management and for which the Council may engage a waste manager;

“waste Management Unit” means the waste management Unit established under by-law 4;

“waste manager” means any person who is engaged by the waste Management Unit to provide waste management services and

“waste producer” means any person who generates waste as a result of their activities.

Application

3. (1) These by-laws shall apply to the management of municipal solid waste generated in, imported into or transferred through, the city of Lusaka and other waste which is managed together with or in the same facility as the municipal solid waste.

(2) The provisions of these By-laws shall bind all waste producers, waste managers, collectors, transporters and recyclers residing or conducting business in the city of Lusaka.

Establishment  
of Waste  
Management  
Unit

4. (1) There shall be a waste Management Unit of the Council which shall be responsible for, and coordinate activities relating to, municipal solid waste management within the area of the Council.

(2) Notwithstanding the generality of sub-by-law (1) the waste management Unit shall—

(a) advise the Council in relation to the preparation and conclusion of municipal solid waste management contracts with any person;

(b) publish in the Gazette and in a daily newspaper in circulation in Lusaka, for three consecutive days, the fees which are to be charged by waste managers as solid waste management fees;

(c) on behalf of the Council, ensure that waste managers are appointed, by tender, on a competitive basis in order to ensure that waste managers provide economic and cost effective municipal solid waste collection services;

(d) undertake inspections of waste management Districts in which waste managers have been appointed;

(e) operate, in accordance with the requirements of a permit issued by the Environmental Council of Zambia, such solid waste disposal facilities as the Council may determine:

Provided that the waste management Unit may for purposes of this paragraph engage agents who are not involved in other waste management activities to operate solid waste disposal sites; and

(f) collect fees from persons who dispose of solid waste at the facilities referred to in paragraph (e)

(3) The Council may, for the purposes of performing its functions under these by-laws, engage waste managers for waste management Districts.

- Appointment of inspectors
5. (1) The Council shall appoint inspectors to monitor, inspect and enforce the provisions of these by-laws.
- (2) The Town Clerk shall issue an identity card to each inspector.
- Power of inspectors
6. (1) An inspector shall have power, on production of an identity card issued to the inspector under sub by-law (2) of by-law 5 to enter upon and inspect the premises, not being the inside of dwelling house, of any waste producer in order to ensure that the provisions of these by-law are being complied with.
- (2) An inspector shall ensure that a waste manager has made adequate arrangements for the provision of waste management services in accordance with a contract signed between the waste manager and the Council.
- (3) An inspector may order any waste producer who has piled waste in contravention of these by-laws to remove the waste at the waste producer's own expense to a waste disposal site within such period as may be specified by the inspector.
- Fees
- 7 (1) The Council shall charge such fees for solid waste collection, transportation, disposal, street sweeping and storm drain clearance as the Council shall determine.
- (2) The waste Management Unit shall for purposes of notifying waste producers of the waste management fees referred to in sub-by-law (1), twice in every year, publish a notice in the Gazette and in a daily newspaper, for three consecutive days, specifying the fees to be paid by waste producers as waste collection fees:
- Provided that the Waste Management Unit shall, every time the Council alters the waste collection fees, by notice published in the Gazette and a daily newspaper for three consecutive days, notify waste producers of any such alteration in the collection fees within fourteen days of the Council's resolution.
- (3) The Council may charge different collection fees for different Waste Management Districts.
- (4) The Waste Management Unit shall collect the fees for the collection of waste from households at such pay points as the Council may designate and shall issue an official receipt for each payment:
- Provided that the Waste Management Unit may engage community based organisations or other agents for purposes of collecting waste collection fees from household waste producers
- Duties of waste producers
8. (1) A waste producer shall facilitate the removal of solid waste from their premises by placing the waste bin or receptacle in a place near the entrance to the premises on the day that the waste manager shall collect the waste.
- (2) Subject to by-law 13 a waste producer shall use the solid waste management system established by the council where such system is in operation upon payment of a solid waste collection fee.
- (3) A waste producer who resides or operates a business in a Waste Management District shall, on such terms and conditions as the waste producer and the waste manager may agree upon, conclude a contract

with a waste manager contracted to provide solid waste management services in such Waste Management District.

9. (1) Waste producers shall use such waste bins or other waste receptacles as the Waste Management Unit may determine for the storage of waste and such bins or receptacles shall be fitted with lids.

Use of waste  
bin or  
receptacle

(2) Waste receptacles shall acquire, at their own expense, the waste bins or receptacles referred to in sub-by-law (1) unless such bins or receptacles are provided by the waste manager as term of a contract entered into by a waste producer and waste manager under sub-by-law (3) of by-law 8.

(3) A waste producer shall ensure that a waste receptacle which is in the form of a bag or bin and is meant to be emptied manually into a waste collection vehicle does not when filled exceed a maximum weight of forty kilograms.

(4) Waste shall not—

- (a) be placed next to or on top of waste receptacle; or
- (b) be burnt in a waste receptacle.

10. A waste manager shall—

Duties of  
waste  
managers

- (a) operate in accordance with a licence to transport waste issued by the Environmental Council of Zambia; and
- (b) within the boundaries of the Waste Management District in respect of which the waste manager has concluded a solid waste management contract with the Council.

11. (1) Once presented for disposal or recycling ownership of the solid waste so presented shall vest in the waste manager.

Ownership of  
waste

Provided that where the waste producer is able to show that it was not the intention of that waste producer to dispose of the item in question the waste manager shall, where practicable, return the item to the owner.

(2) once presented to the Council for disposal at a waste disposal facility operated by, or on behalf of the Waste Management Unit, ownership of the solid waste so presented shall vest in the Council unless the waste producer is able to show that it was not the intention of such waste producer to dispose of any item in question in which case the Council shall, where practicable, return the item to the waste producer.

(3) Where an item which is claimed under sub-by-law (1) or (2) has already been disposed off by the waste manager or the Council, the waste manager or the Council shall not be obliged to search for such item:

Provided that waste producer may under the supervision of an officer from the Waste Management Unit and at their own expense search for and retrieve the item if it is possible to search for and retrieve the item without risk to the health or safety of the waste producer or any other person.

- Prohibition of burning etc of solid waste
12. A person shall not within the boundaries of a Waste Management District—
- (a) on private or public land, burn waste in an open fire or in a furnace;
  - (b) on private or public land, bury waste;
  - (c) accumulate or keep waste upon any premises beyond the regular collection period stipulated by the waste manager concerned; or
  - (d) deposit or place waste in any street, storm water drain, premises (whether vacant or not), water course, reservoir, forset or any place not intended for waste disposal as a means of permanently disposing of the solid waste.
- Exemptions
13. (1) A body corporate or company which has obtained a licence to transport waste from the Environmental Council of Zambia and concluded a contract with a Council for the disposal of waste at a waste disposal facility operated by, or on behalf of, the Waste Management Unit, shall be exempt from the provisions of sub-by-law (2) of by-law 8.
- (2) The composting of organic waste shall be exempt from the provisions of paragraph (b) of by-law 12 provided that the composting of such waste does not cause a nuisance or pollute the environment.
- Complaints
14. (1) A person who is not satisfied with the quality of service provided by a waste manager may, in writing, complain to the head of the Waste Management Unit who shall register every such complaint upon receipt.
- (2) The head of the Waste Management Unit shall respond in writing to the complaint received under sub by-law (1) within thirty days of receiving the complaint and shall, where appropriate, require the Waste Manager to take such measures to rectify the situation leading to the complaint within such period as the head of the Waste Management Unit shall direct.
- (3) where the head of the Waste Management Unit does not respond to the complainant within the period stipulated in sub by-law (2) the waste producer may complain to the Town Clerk who, upon receipt of the complaint, shall direct the head of the waste Management Unit to respond to the complaint in accordance with sub by-law (2).
- (4) A waste manager against whom a complaint is brought under this by-law and who is required, by the head of the Waste Management unit, to rectify the situation shall upon so rectifying the situation, in writing notify the head of the Waste Management Unit of the steps taken to rectify the situation complained against.
- Offences penalties
15. (1) Any person who contravenes any provision of these by-laws commits an offence and shall be liable upon conviction—
- (a) in the case of a first offence, to a fine not exceeding eighty penalty units or imprisonment for a period not exceeding six months, both; and

(b) in the case of a second or subsequent offence to a fine of sixteen penalty units for each day during which the contravention continues.

(2) In addition to any penalty prescribed by sub by-law (1) the court may order that any expenses incurred by the Council in consequence of such contravention shall be paid by the person committing the contravention.

L. MKANDAWIRE,  
*Mayor,*  
*Lusaka City Council*

F. MUWOWO,  
*Town Clerk,*  
*Lusaka City Council*

Confirmed by me this 18th day of October, 2004.

S. T. MASEBO,  
*Minister of Local Government*  
*and Housing*

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